

# **EXHIBIT 3**

Modified B 10 (GCG) (12-11)




## UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

You may only check one Debtor box. If you have a claim against multiple Debtors listed below you must complete a separate proof of claim form for each such Debtor.

Name of Debtor:	Case No.	Name of Debtor:	Case No.	Name of Debtor:	Case No.
<input type="checkbox"/> Affinity Mining Company	12-12902	<input type="checkbox"/> Eastern Royalty, LLC	12-12936	<input type="checkbox"/> Patriot Coal Sales LLC	12-12969
<input type="checkbox"/> Apogee Coal Company, LLC	12-12903	<input type="checkbox"/> Emerald Processing, L.L.C.	12-12937	<input type="checkbox"/> Patriot Coal Services LLC	12-12970
<input type="checkbox"/> Appalachia Mine Services, LLC	12-12904	<input type="checkbox"/> Gateway Eagle Coal Company, LLC	12-12938	<input type="checkbox"/> Patriot Leasing Company LLC	12-12971
<input type="checkbox"/> Beaver Dam Coal Company, LLC	12-12905	<input type="checkbox"/> Grand Eagle Mining, LLC	12-12939	<input type="checkbox"/> Patriot Midwest Holdings, LLC	12-12972
<input type="checkbox"/> Big Eagle, LLC	12-12906	<input type="checkbox"/> Heritage Coal Company LLC	12-12940	<input type="checkbox"/> Patriot Reserve Holdings, LLC	12-12973
<input type="checkbox"/> Big Eagle Rail, LLC	12-12907	<input type="checkbox"/> Highland Mining Company, LLC	12-12941	<input type="checkbox"/> Patriot Trading LLC	12-12974
<input type="checkbox"/> Black Stallion Coal Company, LLC	12-12908	<input type="checkbox"/> Hillside Mining Company	12-12942	<input type="checkbox"/> PCX Enterprises, Inc.	12-12899
<input type="checkbox"/> Black Walnut Coal Company	12-12909	<input type="checkbox"/> Hobet Mining, LLC	12-12943	<input type="checkbox"/> Pine Ridge Coal Company, LLC	12-12975
<input type="checkbox"/> Bluegrass Mine Services, LLC	12-12910	<input type="checkbox"/> Indian Hill Company LLC	12-12944	<input type="checkbox"/> Pond Creek Land Resources, LLC	12-12976
<input type="checkbox"/> Brook Trout Coal, LLC	12-12911	<input type="checkbox"/> Infinity Coal Sales, LLC	12-12945	<input type="checkbox"/> Pond Fork Processing LLC	12-12977
<input type="checkbox"/> Catenary Coal Company, LLC	12-12913	<input type="checkbox"/> Interior Holdings, LLC	12-12946	<input type="checkbox"/> Remington Holdings LLC	12-12978
<input type="checkbox"/> Central States Coal Reserves of Kentucky, LLC	12-12914	<input type="checkbox"/> IO Coal LLC	12-12947	<input type="checkbox"/> Remington II LLC	12-12979
<input type="checkbox"/> Charles Coal Company, LLC	12-12916	<input type="checkbox"/> Jarrell's Branch Coal Company	12-12948	<input type="checkbox"/> Remington LLC	12-12980
<input type="checkbox"/> Cleaton Coal Company	12-12917	<input type="checkbox"/> Jupiter Holdings LLC	12-12949	<input type="checkbox"/> Rivers Edge Mining, Inc.	12-12981
<input type="checkbox"/> Coal Clean LLC	12-12918	<input type="checkbox"/> Kanawha Eagle Coal, LLC	12-12950	<input type="checkbox"/> Robin Land Company, LLC	12-12982
<input type="checkbox"/> Coal Properties, LLC	12-12919	<input type="checkbox"/> Kanawha River Ventures I, LLC	12-12951	<input type="checkbox"/> Sentry Mining, LLC	12-12983
<input type="checkbox"/> Coal Reserve Holding Limited Liability Company No. 2	12-12920	<input type="checkbox"/> Kanawha River Ventures II, LLC	12-12952	<input type="checkbox"/> Snowberry Land Company	12-12984
<input type="checkbox"/> Colony Bay Coal Company	12-12921	<input type="checkbox"/> Kanawha River Ventures III, LLC	12-12953	<input type="checkbox"/> Speed Mining LLC	12-12985
<input type="checkbox"/> Cook Mountain Coal Company, LLC	12-12922	<input type="checkbox"/> KE Ventures, LLC	12-12954	<input type="checkbox"/> Sterling Smokeless Coal Company, LLC	12-12986
<input type="checkbox"/> Corydon Resources LLC	12-12923	<input type="checkbox"/> Little Creek LLC	12-12955	<input type="checkbox"/> TC Sales Company, LLC	12-12987
<input type="checkbox"/> Coventry Mining Services, LLC	12-12924	<input type="checkbox"/> Logan Fork Coal Company	12-12956	<input type="checkbox"/> The Presidents Energy Company LLC	12-12988
<input type="checkbox"/> Coyote Coal Company LLC	12-12925	<input type="checkbox"/> Magnum Coal Company LLC	12-12957	<input type="checkbox"/> Thunderhill Coal LLC	12-12989
<input type="checkbox"/> Cub Branch Coal Company LLC	12-12926	<input type="checkbox"/> Magnum Coal Sales LLC	12-12958	<input type="checkbox"/> Trout Coal Holdings, LLC	12-12990
<input type="checkbox"/> Dakota LLC	12-12927	<input type="checkbox"/> Martinka Coal Company, LLC	12-12959	<input type="checkbox"/> Union County Coal Co., LLC	12-12991
<input type="checkbox"/> Day LLC	12-12928	<input type="checkbox"/> Midland Trail Energy LLC	12-12960	<input type="checkbox"/> Viper LLC	12-12992
<input type="checkbox"/> Dixon Mining Company, LLC	12-12929	<input type="checkbox"/> Midwest Coal Resources II, LLC	12-12961	<input type="checkbox"/> Weatherby Processing LLC	12-12993
<input type="checkbox"/> Dodge Hill Holding JV, LLC	12-12930	<input type="checkbox"/> Mountain View Coal Company, LLC	12-12962	<input type="checkbox"/> Wildcat Energy LLC	12-12994
<input type="checkbox"/> Dodge Hill Mining Company, LLC	12-12931	<input type="checkbox"/> New Trout Coal Holdings II, LLC	12-12963	<input type="checkbox"/> Wildcat, LLC	12-12995
<input type="checkbox"/> Dodge Hill of Kentucky, LLC	12-12932	<input type="checkbox"/> Newtown Energy, Inc.	12-12964	<input type="checkbox"/> Will Scarlet Properties LLC	12-12996
<input type="checkbox"/> EACC Camps, Inc.	12-12933	<input type="checkbox"/> North Page Coal Corp.	12-12965	<input type="checkbox"/> Winchester LLC	12-12997
<input checked="" type="checkbox"/> Eastern Associated Coal, LLC	12-12934	<input type="checkbox"/> Ohio County Coal Company, LLC	12-12966	<input type="checkbox"/> Winifrede Dock Limited Liability Company	12-12998
<input type="checkbox"/> Eastern Coal Company, LLC	12-12935	<input type="checkbox"/> Panther LLC	12-12967	<input type="checkbox"/> Yankeetown Dock, LLC	12-12999
		<input type="checkbox"/> Patriot Beaver Dam Holdings, LLC	12-12898		
		<input type="checkbox"/> Patriot Coal Company, L.P.	12-12968		
		<input type="checkbox"/> Patriot Coal Corporation	12-12900		

NOTE: Do not use this form to make a claim for an administrative expense that arises after the bankruptcy filing. You may file a request for payment of an administrative expense according to 11 U.S.C. § 503.

Name of Creditor (the person or other entity to whom the Debtor owes money or property): <b>Algje D., Katherine R., Algje J., and Alexis J. Cook</b>		<input type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim.		<b>PROOF OF CLAIM</b>  <b>Your Claim Is Scheduled As Follows:</b>  
Name and address where notices should be sent: <b>Kevin W. Thompson, Esq.</b> <b>Thompson Barney</b> <b>2030 Kanawha Blvd., E.</b> <b>Charleston, WV 25311</b> Telephone number. (304) 343-4401 E-mail: <b>kwthompsonwv@gmail.com</b>		Court Claim Number:  (If known)		
Name and address where payment should be sent (if different from above):  FILED - 02592 U.S. BANKRUPTCY COURT - SOUTHERN DISTRICT OF NEW YORK PATRIOT COAL CORPORATION Telephone number: E-mail:		<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to this claim. Attach copy of statement giving particulars.		
1. Amount of Claim as of Date Case Filed (July 9, 2012): \$ 250,000.00 (See instruction #1)  If all or part of the claim is secured, complete item 4 If all or part of the claim is entitled to priority, complete item 5. <input type="checkbox"/> Check this box if the claim includes interest or other charges in addition to the principal amount of the claim. Attach a statement that itemizes interest or charges.		If an amount is identified above, you have a claim scheduled by the Debtor as shown (This scheduled amount of your claim may be an amendment to a previously scheduled amount.) If you agree with the amount and priority of your claim as scheduled by the Debtor and you have no other claim against the Debtor, you do not need to file this proof of claim form, EXCEPT AS FOLLOWS: If the amount shown is listed as DISPUTED, UNLIQUIDATED, or CONTINGENT, a proof of claim MUST be filed in order to receive any distribution in respect of your claim. If you have already filed a proof of claim in accordance with the attached instructions, you need not file again.		
2. Basis for Claim: Personal Injury, Property Damage & Water Replacement (See instruction #2)				
3. Last four digits of any number by which creditor identifies Debtor: (See instruction #3)		3a. Debtor may have scheduled account as:  (See instruction #3a)		3b. Uniform Claim Identifier (optional):  (See instruction #3b)

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<b>4. Secured Claim</b> (See instruction #4) Check the appropriate box if the claim is secured by a lien on property or a right of setoff, attach required redacted documents, and provide the requested information.		Amount of arrearage and other charges, as of the time case was filed, included in secured claim, if any: \$ _____
Nature of property or right of setoff: _____ Describe: _____ Value of Property: \$ _____ Annual Interest Rate _____ % <input type="checkbox"/> Fixed    or <input type="checkbox"/> Variable (when case was filed)	<input type="checkbox"/> Real Estate <input type="checkbox"/> Equipment <input type="checkbox"/> Other	Basis for perfection: _____ Amount of Secured Claim: \$ _____ Amount Unsecured: \$ _____

**5. Amount of Claim Entitled to Priority under 11 U.S.C. § 507 (a).** If any part of the claim falls into one of the following categories, check the box specifying the priority and state the amount. (See instruction #5)

<input type="checkbox"/> Domestic support obligations under 11 U.S.C. § 507 (a)(1)(A) or (a)(1)(B).  <input type="checkbox"/> Up to \$2,600* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use – 11 U.S.C. § 507 (a)(7).	<input type="checkbox"/> Wages, salaries, or commissions (up to \$11,725*) earned within 180 days before the case was filed or the Debtor's business ceased, whichever is earlier – 11 U.S.C. § 507 (a)(4).  <input type="checkbox"/> Taxes or penalties owed to governmental units – 11 U.S.C. § 507 (a)(8).	<input type="checkbox"/> Contributions to an employee benefit plan – 11 U.S.C. § 507 (a)(5).  <input type="checkbox"/> Other – Specify applicable paragraph of 11 U.S.C. § 507 (a)( ) _____
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\*Amounts are subject to adjustment on 4/1/13 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.

**6. Claim Pursuant to 11 U.S.C. § 503 (b)(9).** (See instruction #6) Indicate the amount of your claim arising from the value of any goods received by the Debtor within 20 days before July 9, 2012, the date of commencement of the above case, in which the goods have been sold to the Debtor in the ordinary course of the Debtor's business. Attach documentation supporting such claim. \$ \_\_\_\_\_

**7. Credits.** The amount of all payments on this claim has been credited for the purpose of making this proof of claim. (See instruction #7)

**8. Documents:** Attached are redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. If the claim is secured, box 4 has been completed, and redacted copies of documents providing evidence of perfection of a security interest are attached. (See instruction #8, and the definition of "redacted".)  
  
 DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.  
  
 If the documents are not available, please explain: \_\_\_\_\_

**9. Signature:** (See instruction #9)  
 Check the appropriate box.
 

<input type="checkbox"/> I am the creditor	<input checked="" type="checkbox"/> I am the creditor's authorized agent. (Attach copy of power of attorney, if any.)	<input type="checkbox"/> I am the trustee, or the Debtor, or its authorized agent. (See Bankruptcy Rule 3004.)	<input type="checkbox"/> I am a guarantor, surety, indorser, or other codebtor. (See Bankruptcy Rule 3005.)
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I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief.

Print Name: <u>Kevin W. Thompson, Esquire</u> Title: <u>Attorney</u> Company: <u>Thompson Barney</u>  Address and telephone number (if different from notice address above): <u>2030 Kanawha Blvd., E.</u> <u>Charleston, WV 25311</u>	 (Signature)	<u>12/14/2012</u> (Date)
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Telephone number: (304) 343-4401      e-mail: kwthompsonwv@gmail.com

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

#### INSTRUCTIONS FOR PROOF OF CLAIM FORM

The instructions and definitions below are general explanations of the law. In certain circumstances, such as bankruptcy cases not filed voluntarily by the Debtor, exceptions to these general rules may apply. The attorneys for the Debtor and its Court-appointed claims agent, GCG, Inc. ("GCG"), are not authorized to provide you, and are not providing you, with any legal advice.

PLEASE SEND YOUR ORIGINAL, COMPLETED CLAIM FORM AS FOLLOWS: **IF BY FIRST CLASS MAIL:** Patriot Coal Claims Processing Center, c/o GCG, P.O. Box 9898, Dublin, Ohio 43017-5798. **IF BY HAND DELIVERY OR OVERNIGHT MAIL:** Patriot Coal Claims Processing Center, c/o GCG, 5151 Blazer Parkway, Suite A, Dublin, Ohio 43017. **ANY PROOF OF CLAIM SUBMITTED BY FACSIMILE OR EMAIL WILL NOT BE ACCEPTED.**

THE GENERAL BAR DATE IS DECEMBER 14, 2012 AT 5:00 P.M. (PREVAILING EASTERN TIME) AND  
 THE GOVERNMENTAL BAR DATE IS JANUARY 21, 2013 AT 5:00 P.M. (PREVAILING EASTERN TIME)



## Thompson Barney

2030 Kanawha Boulevard, East  
Charleston, West Virginia 25311  
Telephone: 304.343.4401  
Facsimile: 304.343.4405

December 14, 2012

**Re: STATEMENT REGARDING PROOF OF CLAIM  
Eastern Associated Coal, LLC, Case No. 12-12934**

**Surface Coal Mining and Reclamation Act Notice  
Permit Nos. O-001983, P400111, U004783, U014382 & U400394  
NPDES permit no. WV0006669**

To Whom It May Concern:

Please be advised that my firm, along with the law offices of Thomas F. Basile, represent twenty-eight (28) families (all claimants in this bankruptcy) along or near Clear Fork Road (County Route 2) in Clear Fork/Crany, Wyoming County, West Virginia.<sup>1</sup> A Notice, pursuant to the Citizen Suit provisions of West Virginia's Surface Coal Mining and Reclamation Act, West Virginia Code §22-3-25, along with similar provisions of West Virginia's Hazardous Waste Management Act, West Virginia Code §22-18-19, regarding environmental conditions impacting their water supplies, property and health was served on the pertinent parties in accordance with West Virginia law.

During the permitting process, Eastern Associated Coal, LLC (hereinafter referred to as "Eastern") conducted pre-mining water sampling in this area. Thereafter, Eastern continued to sample the water in this area. Notwithstanding, on December 8, 2011 and July 19, 2012, the WVDEP conducted water testing in this area. All of this water testing clearly indicates that the water in this area has been impacted by Eastern's mining activities. The testing results are available, but are too voluminous to submit with this Proof of Claim and can be submitted upon request. According to environmental engineer Dr. Scott Simonton and toxicologist Dr. Stephen King, there is a serious concern about the high levels of metals revealed in this water testing. The report of Dr. Simonton and Dr. King are attached hereto as "Exhibit A" and "Exhibit B," respectively. Even assuming that contemporary mining practices required under the approved West Virginia Program would be followed if the area were to be mined; these results indicate a clear problem to these claims.

The present evidence is sufficient to demonstrate that the mining activities of Eastern created an imminent danger to the health and safety of the public along with a significant environmental harm to water resources. In addition, the area in the vicinity of Crany, Wyoming County, West Virginia, as an area unsuitable for mining activities. The evidence demonstrates that there are violations of West Virginia Code §22-3-13(a)(10) and West Virginia CSR §38-2-

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<sup>1</sup> On November 4, 2011, the undersigned counsel sent a Surface Coal Mining and Reclamation Act Notice to the West Virginia Department of Environmental Protection (WVDEP) for twenty (20) families. Then, or about April 13, 2012, another letter was sent for an additional eight (8) families who now are represented by the undersigned counsel.

14.5 which require operators to minimize the disturbance of the hydrologic balance within the permit and adjacent areas.

Our clients have requested Eastern immediately provide temporary fresh water supplies for drinking and household purposes to all residents of Clear Fork Road in accordance with West Virginia Code §22-3-24. In addition, our clients have demand that, within sixty (60) days henceforth, Eastern consent to a plan regarding its impoundment, surface operations and abandoned underground works surrounding Clear Fork Road to:

- Establish a fresh, drinkable and permanent water supply to the residents of Clear Fork Road;
- Regularly test water in and along Clear Fork Road for harmful metals and other contaminants polluting the environment and endangering human health;
- Contain and treat the water emanating from the impoundment or from any underground works which may be impacting the water wells along Clear Fork Road and
- Take immediate steps to establish a medical monitoring program to protect the residents along Clear Fork Road from the ill health effects of continual exposure to water contaminated through the mining activities of Eastern.

Our clients and their families depend for their daily existence on water drawn from wells that have been contaminated by the mining operations of Eastern and, based upon the aforementioned water testing, this water is unsafe. The aforementioned water testing results indicated that Eastern's mining activities has or may adversely affect the citizens in this area by subjecting them to high levels of hazardous contaminants in their only water supply. The contamination emanates from a reclaimed slurry impoundment just upstream from our clients. Upon information and belief, this contamination is being communicated, by ingestion and dermal exposure, through various abandoned underground works formerly operated by Eastern which can cause grave personal injury to our clients and their families. The contaminated water table along Clear Fork Road/Crany presents a threat to the environment and human health. Our clients have reported over thirty (30) incidences of cancer in the fifty-seven (57) homes downstream from this facility. Thus, there is a sufficient evidence to establish property damage claims, personal injury claims and water replacement claims on behalf of our clients.

Thank you for your attention to and cooperation with this matter. I hope that we can work together to abate this dangerous public nuisance. Should you have any further questions or concerns, please feel free to contact me.

Sincerely,



Kevin W. Thompson

cc: Thomas F. Basile, Esquire



1091 Haines Branch Road.  
Sissonville, WV 25320  
Email: simonjon@marshall.edu  
Cellular Phone: 304.552.7438

December 13, 2012

Kevin Thompson  
Dave Barney  
Thompson Barney, PLLC  
2030 Kanawha Blvd. East  
Charleston, WV 25311

Subject: Crany Mining Impacts

Dear Mr. Thompson:

I have been asked to examine the facts associated with the surface and groundwater contamination in and around the community of Crany, Wyoming County, WV. Specifically I have been asked to apply my education, training and experience in environmental engineering to offer an opinion as to whether mining activities conducted by Eastern Associated Coal, LLC in the subject watershed caused surface water and groundwater impacts, especially to drinking water sources for local residence.

I am a Registered Professional Engineer (WV 013637) with over 20 years of professional experience in State regulatory agencies, consulting and academia.

In forming this initial opinion, I have accompanied WVDEP personnel during field sampling events on two occasions, reviewed the data collected during these field events, and met with WVDEP personnel regarding this issue.


Based on data collected to date, it is obvious that these mining activities have negatively impacted both surface water and groundwater. Both exhibit observable mining impacts, with elevated indicators of these impacts, particularly iron, manganese and sulfate. Iron and manganese in drinking water are well above (by orders of magnitude) applicable standards. Also of note is elevated arsenic in drinking water — while slightly below primary drinking water standards, these results are well above USEPA Region 3 health-based screening levels.

Additionally, toxic hydrogen sulfide gas is present in many homes and the Crany Church, a result of sulfate contamination of groundwater.

Based on these findings, as well as my own experience and research, I believe that the primary source of drinking water in this community has been contaminated by mining activities.

This opinion is to a reasonable degree of scientific and engineering certainty. Additionally, I reserve the right to amend my opinion should new information become available.

Sincerely,



D. Scott Simonton, PE, PhD



**STEPHEN KING, Ph.D., M.P.H.**

P.O. BOX 11210  
Spring, Texas 77391  
Telephone: (713) 222-2127  
Facsimile: (713) 222-2155  
E-mail: toxicking@aol.com

December 13, 2012

Mr. Kevin Thompson  
Attorney at Law  
Thompson Barney  
2030 Kanawha Blvd.  
Charleston, West Virginia 25311

Re: Water Quality Among Residents in Wyoming County, WV

Dear Mr. Thompson:

Set forth herein is my preliminary report that you requested that I prepare for you on the water quality among residents living near the Clear Fork Road (County Route 2) in Clear Fork/Crany, Wyoming County, West Virginia. For the purpose of this preliminary report, I reviewed the following documents for background information: (a) Letters from Kevin W. Thompson to Eastern Associated Coal, LLC, Patriot Coal Corporation et al., dated November 4, 2011 (Thompson KW 2011) and April 13, 2012 (Thompson KW 2012), respectively; and (b) Laboratory Reports on the analyses of water samples collected from private water wells, a church building, and/or from creeks and streams, dated January 17, 2012 (REIC 2012), July 31, 2012 (Analabs 2012a), and August 2, 2012 (Analabs 2012b), respectively.

The results of the analyses of water samples collected from private residential water wells located near the Clear Fork Road in Clear Fork/Crany, Wyoming County, West Virginia, overall, are of poor water quality and are indicative of water wells that have been contaminated. Specifically, elevated concentrations of certain toxic and/or carcinogenic metals (e.g., arsenic) as well as low drinking water pHs (e.g., 4.5) have been observed in private wells tested in 2012 (REIC 2012; Analabs 2012a; Analabs 2012b).

The residents living near the Clear Fork Road in Wyoming County, West Virginia, are located in areas where coal mining and coal processing have occurred for decades. Furthermore, coal slurry and slurry impoundments, and coal mining wastes are situated in areas near the impacted residential water wells. It has been well established that coal mining, coal processing, coal slurry, and coal wastes can contaminate surface water and groundwater in West Virginia. I have previously investigated coal mining and coal processing-related contamination of private water wells in relation to the development of adverse health effects among residents in Boone County and Mingo County, West Virginia.

Based on my assessment of the results of the analyses of the water samples obtained from the private water wells located in proximity to Clear Fork Road in Wyoming County, West Virginia, residents have been exposed to contaminated water. The use (food preparation and bathing) and ingestion of water from the contaminated water wells in question can increase the risk of symptoms and illnesses among persons relying on the contaminated water for their primary source of potable water. In fact, according to Mr. Thompson's letter dated April 13, 2012 (Thompson KW 2012), he stated in part the following: "According to environmental engineer Dr. Scott Simonton, there is a serious concern about the high levels of metals revealed in this water."

With respect to arsenic which was elevated in some of the water wells, low-level concentrations of arsenic in drinking water has been shown to increase the risk in the development of certain adverse health effects and medical conditions among arsenic-exposed populations. For example, Alsan et al (2000) assessed skin lesions, e.g., melanosis (hyperpigmentation) and keratosis, among persons ingesting arsenic in drinking water in Bangladesh. The study reported that 13.9% of the study subjects with skin lesions were currently drinking water with an arsenic concentration of  $<10 \mu\text{g/L}$  ( $<10 \text{ ppb}$ ).

Arsenic and inorganic arsenic compounds have been classified by the International Agency for Research on Cancer (IARC) as carcinogenic to humans, Group 1 (IARC 2012). Based on scientific data from a report prepared by the National Academy of Sciences, entitled, "Arsenic in Drinking Water" (NAS 1999), the total lifetime cancer risk of dying from cancer from ingestion of arsenic in tap water was estimated to be as follows:

<u>Arsenic Level in Water</u> <u>(In parts per billion, or ppb)</u>	<u>Approximate Total Cancer Risk</u> <u>(Assuming 2 Liters Consumed/Day)</u>
0.50 ppb	1 in 10,000 Persons
1.00 ppb	1 in 5,000 Persons
3.00 ppb	1 in 1,667 Persons
4.00 ppb	1 in 1,250 Persons
10.0 ppb	1 in 500 Persons
20.0 ppb	1 in 250 Persons
25.0 ppb	1 in 200 Persons
50.0 ppb	1 in 100 Persons

In summary, as a direct result of the private residential water wells located near the Clear Fork Road in Clear Fork/Crany, Wyoming County, West Virginia, that have been shown to be contaminated and of poor water quality, ingestion and/or use of the contaminated well water by residents, represents a threat to public health. It is recommended that the residents in question be provided as soon as possible with clean, clear, and uncontaminated potable water from a public water supply.

I reserve the right to update, supplement, and/or amend this preliminary report at such time that I receive additional information on the case.

Respectfully submitted,

Stephen King, Ph.D., M.P.H.

Stephen King, Ph.D., M.P.H.  
Toxicologist & Epidemiologist

#### REFERENCES

Ahsan H, Perrin M, Rahman A, et al. Associations between drinking water and urinary arsenic levels and skin lesions in Bangladesh. *J Occup Environ Med*, 42:1195-1201, 2000.

Analabs 2012a. Analytical Results. Analabs, Inc., Crab Orchard, West Virginia, July 31, 2012.

Analabs 2012b. Analytical Results. Analabs, Inc., Crab Orchard, West Virginia, August 2, 2012.

IARC. Agents Classified by the IARC Monographs, Volumes 1-106. International Agency for Research on Cancer, Lyon, France, 2012.

NAS 1999. *Arsenic in Drinking Water*. National Academy of Sciences, National Academy Press, Washington, DC, 1999.

REIC. Analytical Results. REIC, Beaver, West Virginia, January 17, 2012.

Thompson KW. Letter to Eastern Associated Coal LLC, Patriot Coal Corporation, Randy C. Huffman, and Roger Calhoun. Kevin W. Thompson, Attorney at Law, Thompson Barney, Charleston, West Virginia, November 4, 2011.

Thompson KW. Letter to Eastern Associated Coal LLC, Patriot Coal Corporation, Randy C. Huffman, and Roger Calhoun. Kevin W. Thompson, Attorney at Law, Thompson Barney, Charleston, West Virginia, April 13, 2012.

**FedEx** NEW Package  
Express US Airbill  
Tracking Number 8022 2997 8788

1 From Date 12/13/12

Sender's Name David R. Kearney, Jr. Phone 304 343-4401

Company Thompson Kearney

Address 2030 Kanawha Blvd. E

City Charleston State WV ZIP 25311

2 Your Internal Billing Reference

3 To Recipient's Name Patriot Coal Claims Processing Center

Company 46 GLE

Address 5151 Blazer Parkway, Suite A

Address Use this line for the HQID location address or for continuation of your shipping address

City Dublin State OH ZIP 43017



8022 2997 8788

ORIGIN ID: CRMA

UNITED STATES US

10 PATRIOT COAL CLAIMS PROCESSING

GCG

5151 BLAZER PARKWAY  
SUITE A

DUBLIN OH 43017

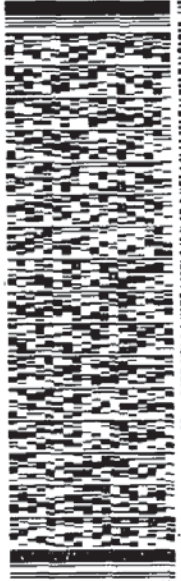
INVT: (333) 333-3333

REF:

PO:

DEPT:

SHIP DATE: 13DEC12  
ACTWGT: 2.6 LB  
CNO: P051322  
DIMS: 0x0x0 IN  
BILL SENDER



12201209200126

TRK# 8022 2997 8788

FRI - 14 DEC A1  
FIRST OVERNIGHT

X1 CMHA

43017  
OH-US LCK



SHIP DATE: 13DEC12